IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

EMILY FAVORS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-14-784-R
)	
JOHN M CAMPBELL & CO., and)	
PETROSKILLS, INC.,)	
Defendants.)	

Defendant John M. Campbell & Co., a/k/a/ Petroskills-JMC, LLC., has filed a Motion to

Dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure. Therein Defendant contends

ORDER

that Plaintiff has not sufficiently complied with its obligation for service of process, because it failed

to timely affect service as required by Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiff

did not file a response to the motion to dismiss nor did it seek an extension of time in which to

respond. Although a summons was issued by the Court on July 23, 2014 to John M. Campbell &

Company, there is no indication in the record that the same was served and returned. Defendant asks

for dismissal without prejudice.

Defendant's motion provided Plaintiff an opportunity to show cause why this case should not be dismissed for timely filing or to show good cause for an extension of time. The Court hereby grants Defendant's motion to dismiss and Plaintiff's claims against John M. Campbell & Co. (a/k/a Petroskills-JMC, LLC), are here hereby dismissed without prejudice. The original complaint naming John M. Campbell as a Defendant was filed on July 23, 2014, and the 120 days for effecting service terminated on November 20, 2014.

¹Even assuming the date of the amended complaint should be used, the 120 day period expired on January 27, 2015.

Defendant's Motion to Dismiss is GRANTED.

IT IS SO ORDERED this 20th day of February, 2015.

DAVID L. RUSSELL

UNITED STATES DISTRICT JUDGE